

COURT
TEXAS

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

FEB 27 2008

CLERK, U.S. DISTRICT COURT

By _____
Deputy

Defendants.

§ § § § §

2:07-CV-00004

Plaintiff BENNIE RAY JOHNSON, also known as BENNIE JOHNSON, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against multiple defendants employed by the Texas prison system and was granted permission to proceed *in forma pauperis*.

On February 8, 2008, a Report and Recommendation was issued by the United States Magistrate Judge analyzing defendants' August 22, 2007 motion to dismiss and plaintiff's September 4, 2007 response. The Magistrate Judge recommended defendants' motion to dismiss be granted and the instant cause be dismissed without prejudice until such time as plaintiff has exhausted his administrative remedies.

Plaintiff filed his objections on February 25, 2008.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court, as supplemented herein.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge, as supplemented herein.

IT IS THEREFORE ORDERED that plaintiff's motion to proceed in forma pauperis is DENIED, and the instant cause is DISMISSED WITHOUT PREJUDICE UNTIL SUCH TIME AS PLAINTIFF HAS EXHAUSTED HIS ADMINISTRATIVE REMEDIES.


LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk will mail a copy of this Order to the plaintiff, and to any attorney of record by first class mail. The Clerk will also mail a copy to TDCJ-Office of the General Counsel, P.O. Box 13084, Capitol Station, Austin, TX 78711 and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

ENTERED this 27th day of February, 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE